In the High Court of Judicature at Madras

Dated: 18/09/2003

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The Honourable Mr.Justice A.K.RAJAN

Writ Petition No.2767 of 2002

O.M.Jessymol ..... Petitioner

-Vs-

1. The Director of
Teachers' Training Research Education
College Road
DPI Complex
Nungambakkam
Chennai.6.

2. The Commissioner & Secretary
Education Department
Fort St. George
Chennai.9.
(R2 impleaded as per order
dated 13.12.2002 in
W.M.P.No.60276 of 2002) ..... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for the issue of a writ of Certiorarified Mandamus as stated therein.

For petitioner : Mr. K.Vasudevan

For respondents : Mr. R.Vijayakumar G.A.

:O R D E R

The petitioner filed the above writ petition praying to issue a writ of Certiorarified Mandamus to call for the records relating to the order O.Mu.No.12423/C3/2001 dated 18.12.2001 and quash the same and further direct the respondent to issue evaluation certificate to the petitioner.

2. The brief fact that is necessary for the disposal of the writ petition is that the petitioner has passed Under Graduate Teacher's Training Course at Nagaland in the year 1993, after completing her Secondary School studies in Kerala State. The petitioner got married in the year 1995 and her husband is an advocate practicing in Chennai. The petitioner applied for the Evaluation Certificate on 23.08.2001 to the first respondent and in spite of repeated requests and lawyer's notice dated 10.11.2001, the first respondent passed the impugned order dated 18.12.2001 rejecting her request

regarding the evaluation of her 'Teacher's Training Certificate' on the ground that the petitioner has passed the said course without undergoing the plus Two course with 50% of marks and the petitioner has not secured 50% of marks in any one of the subjects. Hence, the above writ petition.

3. The respondents have not filed any counter-affidavit.

4. Heard both sides.

5. Mr.K.Vasudevan, learned counsel appearing for the petitioner submitted that the impugned order is not sustainable in law; the petitioner has got Teacher's Training Certificate at Nagaland which cannot be rejected and it cannot be said to be invalid in Tamil Nadu on the ground that it does not conform to the rules and regulations framed by the Tamil Nadu Government for getting admission to Teachers Training Certificate Course in Tamil Nadu. The respondent failed to consider that in India, there are number of States; each and every State would fix the eligibility for getting admission to these course and degrees. More over, India is a secular state where all the States are united and one state respects the other state. Without considering all these vital aspects, the first respondent passed the impugned order.

6. Learned counsel further submitted even within the country some of the institutions are not recognised by other parts of the country. The University will recognise only certain certificates and certain degrees. Those certificates recognised by the authorities are valid and equivalent. If the authorities passed spe cific orders that certain certificates cannot be recognised for the purpose of admission for higher studies or for employment, that orders are to be held as unenforceable. It is violative of provisions of Constitution of India or other provisions of law.

7. Learned counsel further relied upon the decision of this Court in K.Anthony Savarimuthu v. The Director of School Education Madras.6 and another (1985 WLR 178), wherein the Division Bench of this Court has held when a dispute arose with resepct to certificate issued by Karnataka State that it was equivalent to the certificate issued in Tamil Nadu State; this Court has refused to recognise those cadres and set aside the order. Relying upon the judgment, the learned counsel for the petitioner contended that in view of the above cited judgment, the impugned order is invalid. In the above cited judgment, this Court has held as follows:

" ... Once the two certificates are treated as equivalent of each other, the State could not show any preference to any particular class of teachers merely on the ground that they were holders of certificates issued by an institution in Tamil Nadu.

Once we place this construction on the G.O.dt. 5-8.1981 the natural results would be that equivalence of the Karnataka certificate with the Tamil Nadu Certificate would continue to be effective till 17-9-1984, when the G.O.Ms.No.1236 was issued. The only impediment for the evaluation of the certificates of the Karnataka certificate holders was G.O.dated 5-8-1981. Once that is out of the way in view of the construction placed upon it, then obviously whatever certificates were submitted to the State Government till 17-9-1984 would have to be dealt with on the footing that the Karnataka Certificate was equivalent with the Tamil Nadu Certificate."

Ultimately, in the above Judgment, it was further held as follows:

" ... In all these three categories of cases the certificate holders will have a equivalent to the Tamil Nadu certificates, provided the certificates

have been handed over prior to 17.9.1984."

Therefore, a perusal of the judgment cited supra shows that as long as G.O passed in Tamil Nadu State recognised the certificates issued by the Karnataka State, such certificates was held to be valid,and when G.O.No.1236 dated 17.9.1984 was passed not recognising Karnataka State Certificate, this Court held that only such of those certificates which were submitted prior to 17.9.1984 was to be recognised. Such of the certificates submitted subsequent to that date were not considered as equvalent. Therefore, the authority has got the right to recognise or not to recognise the certificates. The authorities have chosen not to recognise the certificates of the Karnataka thereafter no person can ask that certificate should be recognised in Tamil Nadu. Therefore, this judgment is not helpful to the petitioner.

8. Learned counsel further submitted that 50% marks limit is prescribed as a pre-requisite for getting admitted into the higher studies or Teachers Training Course. Once having got admitted in the higher education, the required marks at 50% cannot be insisted upon. Therefore, once a certificate had been obtained and the same has to be looked into and not the fact that whether he obtained the requisite minimum marks in the qualifying course. Therefore this certificate has to be taken on the face of it and the Government cannot go behind it to verify whether the person has got minimum number of marks for getting admission into the Teachers Training course. This argument of the learned counsel for the petitioner is not acceptable because the authorities have prescribed the minimum marks and issued Government Orders to that effect. It is a matter of policy and it cannot be challenged.

9. Considering the facts that there is a specific G.O. which requires that a person must obtain 50% of marks for getting admitted in the Teachers Training Course and the petitioner has not acquired the minimum marks in the Teachers Training Course examinations, and When the terms of the G.O. has not been complied with, the petitioner has no right to challenge the impugned order and get her certificate evaluated.

In the result, the writ petition is devoid of merits and is liable to be dismissed and the same is dismissed.

Index: Yes
Internet Yes

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